

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

UNITED STATES OF AMERICA	§	
	§	
v	§	
	§	CRIMINAL NO. EP-11-CR-2728-KC
ANGEL OCASIO	§	

**GOVERNMENT'S NOTICE OF INTENT TO USE CERTIFIED RECORDS
OF REGULARLY CONDUCTED BUSINESS ACTIVITY**

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now the United States of America, by and through the United States Attorney for the Western District of Texas, and files this Notice of Intent informing the Court, and all parties involved, of the Government's intent to introduce into evidence certified copies of business records of regularly conducted activity at the trial of the above-named Defendants and would respectfully show the Court the following:

Pursuant to Federal Rule of Criminal Procedure 802(6), it is the Government's intention to introduce into evidence business records obtained pursuant to administrative, grand jury and/or trial subpoenas. The records which will be introduced include records from Time Warner Cable relating to customer account details and Internet Protocol (IP) assignments for IP 24.162.195.168.

Pursuant to Fed.R.Crim.P. 902(11), the records will be introduced via a written certified declaration from the custodian of record and/or an employee of that company who produced, maintained and/or kept the records in his or her regular course of business and in his or her

capacity as an employee of that company (commonly referred to as a self-proving affidavit) .

The Government has previously provided copies of these documents to the defense. Nevertheless, the Government will make these business records and declarations available for inspection sufficiently in advance of their offer into evidence to provide the defense with a fair opportunity to challenge them.

Respectfully submitted,

ROBERT PITMAN
UNITED STATES ATTORNEY

By: /s/

J. BRANDY GARDES
Assistant United States Attorney
CA Bar No. 144770

/s/
DANIEL R. CRUMBY
Assistant United States Attorney
TX Bar No. 24049839
700 E. San Antonio, Ste. 200
El Paso, Texas 79901
(915) 534-6884

CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of May, 2013, a true and correct copy of the foregoing instrument was electronically filed with the Clerk of the Court using the CM/ECF System which will transmit notification of such filing to the following CM/ECF participant:

Michael Gorman, Esq.
Shane McMahon, Esq.
Federal Public Defenders Office
700 E. San Antonio, 4th Floor
El Paso, Texas 79901

Attorneys for Defendant

/s/
J. BRANDY GARDES